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Docket # PF-0069-1 CON

"Express Mail" mailing label number EL 856 167 140 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on October 26, 2001

By: Nancy RamosPrinted: Nancy RamosRylandt
7/AJC879 U.S. PTO
10/033067
10/26/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No.08/683,655, filed on July 15, 1996, entitled DNA ENCODING HUMAN MONOCYTE CHEMOTACTIC PROPROTEIN (AS AMENDED).

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.08/683,655 filed July 15, 1996, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 08/683,655, filed July 15, 1996, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/683,655 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. X Cancel in this application original claims 2, 17-27, 30-45 48-56 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Roger Coleman; Jennifer L. Hillman; Janice Au-Young.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on October 9, 1996 is enclosed.
6. Amend the specification by inserting after the title: "This application is a continuation application of U.S. application serial number 08/683,655, filed July 15, 1996, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee
				Rate	Fee	\$740.00
Total Claims	20	-20	0	x \$18	0	\$0
Indep. Claims	2	-3	0	x \$84	0	\$0
<u> </u> Multiple Dependent Claim(s), if any				+ \$280		\$0

TOTAL FILING FEE \$ 740.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 740.00.
- The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108. A **duplicate** copy of this Request is enclosed.
10. X New formal drawings are enclosed (Figs. 1A, 1B, 2, 3, 4 and 5).
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on October 6, 1996, at reel 8210/frame 0135.
12. A preliminary amendment is enclosed.
13. X Also enclosed are: Information Disclosure Statement and Form PTO-1449 (4 pp., in duplicate); Submission of Formal Drawings (1 pg., in duplicate); Submission Under 37 C.F.R. 1.821-1.825 Sequence Listing (1 pg.) and one (1) computer-readable diskette; Limited Recognition (37 C.F.R. 10.9(e)) (1 pg.).
14. X The power of attorney of the prior application is to:

Lucy J. Billings
Michael C. Cerrone
Diana Hamlet-Cox
Richard C. Ekstrom
Barrie D. Greene

Reg. No. 36,749
Reg. No. 39,132
Reg. No. 33,302
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Reg. No. 42,918
Reg. No. 47,016
Reg. No. 44,316
Reg. No. 41,327
Reg. No. 43,168
Reg. No. 47,139
Reg. No. 45,167
Reg. No. 41,420

___ The associate power of attorney in the prior application is to:

- a. X A Certificate Under 37 C.F.R. 3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.) is attached.
- b. ___ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: Oct. 26, 2001

By: 

Terence P. Lo

Limited Recognition (37 C.F.R. 10.9 (b)) attached

Representative Capacity (37 C.F.R. 1.34(a))

Direct Dial Telephone: (650) 621-8581

___ Inventor(s)

___ Assignee of complete interest

___ Attorney or agent of record

X Filed under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a) _____.

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By: Nancy Ramos Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Coleman, et al.

Title: NOVEL HUMAN MONOCYTE CHEMOTACTIC PROPROTEIN

Serial No.:	To Be Assigned	Filing Date:	Herewith
Examiner:	To Be Assigned	Group Art Unit:	To Be Assigned

Official Draftsman

Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figures 1A, 1B, 2, 3, 4 and 5, as six (6) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this communication is enclosed.**

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: Oct. 26, 2001.

Terry Lo
Terence P. Lo
Limited Recognition (37 C.F.R. 10.9 (b)) attached
Representative Capacity (37 C.F.R. 1.34(a))
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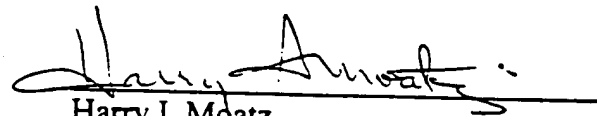
UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE

LIMITED RECOGNITION UNDER 37 CFR §10.9(b)

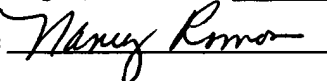
Terrence Lo is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Incyte Pharmaceuticals, Inc. to prepare and prosecute patent applications wherein Incyte Pharmaceuticals, Inc. is the assignee of record of the entire interest in the application filed in the USPTO. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Terrence Lo ceases to lawfully reside in the United States; (ii) Terrence Lo's employment with Incyte Pharmaceuticals, Inc. ceases or is terminated; or (iii) Terrence Lo ceases to remain or reside in the United States on TN status.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 18, 2001


Harry I. Moatz
Director of Enrollment and Discipline

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